

Public Chapter 138

SENATE BILL NO. 1414

By Cooper

Substituted for: House Bill No. 1450

By Lewis, Fraley

AN ACT To amend Tennessee Code Annotated, Title 8, Chapter 30 and Title 64, Chapter 1, Part 3, relative to transfer of the currently existing positions of the employees of the former Tennessee Elk River Development Agency to the Tennessee Department of Environment and Conservation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 64, Chapter 1, Part 3, is amended by adding the following new section:

Section 64-1-3___. The currently existing positions of the employees of the former Tennessee Elk River Development Agency are hereby transferred to the Tennessee Department of Environment and Conservation, subject to availability of funding.

SECTION 2. The department referred to herein is the "Tennessee Department of Environment and Conservation".

SECTION 3. There are hereby created within the Department of Environment and Conservation eight (8) positions to carry out the powers, contractual obligations, administrative responsibilities, law enforcement and other functions that were previously transferred to the Department of Environment and Conservation from the Tennessee Elk River Development Agency.

SECTION 4. Recognizing the years of service to the State of Tennessee by employees of the Tennessee Elk River Development Agency, it is the intention of the General Assembly that those Tennessee Elk River Development Agency employees who now serve in jobs that would be classified as career service as defined in Tennessee Code Annotated, Section 8-30-208, receive the benefits and protection of career service status upon passage of this act, without further examination or competition; provided, however, that such employees shall have completed at least six (6) months service. Notwithstanding any law to the contrary, it is the intent of this act that the affected employees who have any accumulated sick leave, annual leave, or compensatory time shall, on the effective date of the act, transfer such accumulated sick leave, annual leave, or compensatory time with them to their new position in the career service. It is also the intent that time served in the Tennessee Elk River Development Agency shall be considered time served in the career service for the purposes of leave accrual, longevity pay and career service benefits and protection. On the effective date of this act, such

employees shall also be eligible for the group insurance benefits for state employees and there is hereby waived any six month pre-existing health condition clause in any such insurance plan.

SECTION 5. As of the effective date of this act, all employees of Tennessee Elk River Development Agency who have continued in their positions under the supervision of the department, and all employees of the department who have been designated by the department to administer the activities transferred from the Tennessee Elk River Development Agency, shall be members of the state career service and shall be granted career service status without further examination or competition; provided, however, that such employees shall have completed at least six (6) months service.

SECTION 6. The provisions of Tennessee Code Annotated, Title 8, Chapter 30, Part 3, relative to noncompetitive and entrance tests and appointment and promotion lists shall not apply to personnel transactions made pursuant to the provisions of this act. Any employee affected by this act shall, however, be eligible for promotion pursuant to the provisions of such chapter.

SECTION 7. No employee affected by this act shall be subject to the provisions of Tennessee Code Annotated, Sections 8-30-312 through 8-30-314, except as otherwise provided by this act, if such employee has been employed for at least six (6) months on the effective date of this act.

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.